

REMARKS

Claims 1, 2, 4-8 and 10-13 remain in this application. Claims 1, 2, 4-8 and 10-13 are rejected. Claims 3 and 9 are previously cancelled. Claims 1, 7, 8 and 10-13 are amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues. For the convenience of the Examiner, APPENDIX I is provided herewith having a complete set of pending claims with all amendments effected therein.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1, 2, 4-8 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lipson (US 5,435,554). Applicants herein respectfully traverse these rejections. For a rejection to be sustained under §102(b) each and every element of the claimed invention must be disclosed in the cited prior art reference. It is respectfully submitted that the cited reference fails to disclose at least the following features and elements of the present invention as noted herein.

Each of claims 1, 7, 8, 10, 11 and 13 include the feature of changing the height of the bat character and displaying a corresponding change in vertical positioning of the bat character within the strike zone displayed on the monitor screen. The claims also include the single operation executed by the player controlling height and orientation of the bat character based on a moving amount

and a moving direction. Claim 12 recites similar subject matter in relation to the meet cursor.

In contrast, Lipson does not disclose a display of actually changing a height of the bat character in the strike zone when a game player is operating an operation device, be it a switch or a joystick. In this regard the claims 1, 7, 8, 10, 11 and 13 now include a strike zone displayed on the monitor screen which has an upper and a lower limit and a displayed bat character being vertically moved within that range. Similar limitations are presented for the meet cursor in claim 12.

Instead, Lipson discloses in lines 20-35, col. 14, regarding a strike zone, a division of the strike zone in a height direction to have regions "high, medium, and low" corresponding to a batting angle (upper, average, and lower) and discloses in lines 36 to 39, col. 14, a detection of height direction of a bat character in step 314 and calculation of an error between a bat character's position (height position) and a pitched position.

Lines 17 to 35 on column 14 (Lipson):

Within decision state 312 it is determined just exactly how near the strike zone the pitched baseball is. If the target position of the baseball is not conceivably hittable by the batter (i.e., a ball was thrown) then flow exits state 312 and travels via path 318 to state 338. Otherwise, the game process for this pitch will continue into state 314 where the vertical position of the batter's swing relative to the strike zone is determined. In the present invention, the strike zone is broken into three vertical regions--high, medium and low--although it is possible to use a larger number of regions if desired. However, because the presently preferred embodiment allows a batter to direct the batted ball upward, downward or with an average altitude, the use

of three regions correlates to the batter's directional choices. For example, if a batter pushes the joystick forward in an effort to hit a pop fly ball then the batter's swing will correspondingly be through the lower section of the strike zone to simulate a looping swing.

Lines 36 to 39 on column 14 (Lipson):

After the vertical position of the batter's swing is determined in state 314, a vertical zone error is calculated in state 316 as the difference between the vertical swing position and the pitch target position. The game flow continues after state 316 to state 318 shown in FIG. 6b. While in state 318, the vertical zone error will be increased if a power swing was selected by the batter.

Lipson clearly fails to disclose actual display of the bat character that is movable vertically within the strike zone (SZ) upon movement of an input device by the game player when the bunting operation is selected.

In fact, only Fig. 3A of Lipson shows a displayed screen where game characters (baseball members) are in baseball match. However, there is no display of a bat character held by a batter character for a bunting operation. Nor was it disclosed the changing the height of the bat character displayed on the screen.

Applicants respectfully submit that claim 1 prior to the present amendments had a feature, which indicates the display of the bat character, when bunting is selected, whose height is being changed. However, it appears that the wording did not make the feature apparent to the Examiner. The wording "changing the height of the bat character displayed on the monitor screen" apparently is prone to broad interpretation such that the bat character is displayed and the height of the bat

character is somehow changed and the changing state of the height of the bat character need not be displayed.

The amended claims now clearly recite the verb form “displaying” for more positively reciting the act of displaying the change of the height of the bat character instead of allowing the interpretation that the bat character is displayed and has a height the can be changed. The above remarks are also applicable to the meet character of claim 12. It is respectfully submitted that present amendment clearly avoid interpretation related in the examiner’s ground of rejection mentioned in lines 3 and 5 on page 4 of the Office Action.

In view of the above, it is respectfully submitted that claims 1, 2, 4-8 and 13 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1, 2, 4-8 and 13 and their allowance are respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 10-12 are again rejected as obvious over Lipson under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the


combined references and the present invention must be obvious to one skilled in the art.


Applicants again assert that while the general use of a mouse in connection with a video game may be known, the use of a mouse in the manner as recited in claims 10, 11 and 12, or the suggestion to use the mouse in said manner, is clearly lacking support in the art cited in the rejection of the claims. Applicants note that the rejected claims do not claim a mouse as a part of a structural combination claim, but rather each describes a specific functional use of a mouse. Therefore, in order to properly establish a *prima facie* case of obviousness, applicants submit that the Examiner would be required to cite a reference which provides a suggestion or motivation to one of ordinary skill in the art to make specific functional use of a mouse for executing the particular process in a game in the manner as claimed.

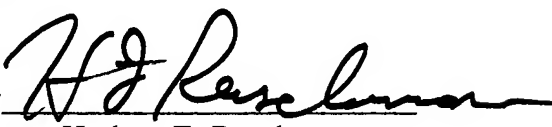
Furthermore, it is respectfully submitted the Lipson reference cannot render the rejected claims obvious because the reference does not provide the teaching noted above with respect to the anticipation rejection that is absent from the Lipson reference. Thus, the prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 10-12 and their allowance are respectfully requested.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By 
Frank C. Jordan
Reg. No. 20,456
Attorney for Applicants

 and,

By 
Herbert F. Ruschmann
Reg. No. 35,341
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

APPENDIX I

ALL PENDING CLAIMS WITH AMENDMENTS EFFECTED THEREIN

1. (Currently Amended) A computer readable recording medium in which a game progress control program is recorded to control a progress of a baseball game in which a game player's team and a computer-controlled team or competitor's team alternately play offense and defense via a ball character used as a game medium, said game progress control program allows a computer to perform the steps comprising:

- displaying a game image including a plurality of characters, a bat character and a strike zone on a monitor screen of a computer;

- receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a pointing device, wherein in said receiving step, designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said pointing device when the game player's team is the defensive side, designation of instructions for an offensive action of a batter character is accomplished by the operation of said pointing device when the game player's team is the offensive side, a selection of bunting or hitting as said offensive action is accomplished by a button operation of said pointing device, and designation of instructions for both:

- alteration of a height of the bat character within an area defined by an upper limit and a lower limit of the strike zone; and
 - an orientation of the bat character;

is accomplished singly by the moving operation of said pointing device based on a moving amount and a moving direction of the pointing device in cases where bunting is selected as the offensive action of said batting character;

- changing the height of the bat character and displaying a corresponding change in vertical positioning of the bat character within the strike zone displayed on the monitor screen according to the received instructions regarding the alteration of the height of the bat character; and

progressing a baseball game based on the input made by the game player.

2. (Original) The computer readable recording medium according to claim 1, wherein said pointing device has at least two buttons including a first button and a second button, and said selection of bunting or hitting is accomplished by performing different button operations on said first button and second button.

3. (Canceled)

4. (Previously Presented) The computer readable recording medium according to claim 1, wherein the operation regarding the alteration of the height and the orientation of said bat character is received after the pitching action of the pitcher character is initiated.

5. (Previously presented) The computer readable recording medium according to claim 1, wherein the degree of success of a batting action is judged in accordance with the degree of overlap of said bat character and said ball character and the orientation of said bat character when said bunting is selected.

6. (Previously presented) The computer readable recording medium according to claim 1, further comprising the steps of setting parameters that define abilities for each batter character of said game player's team, and changing said parameters in accordance with batting results and pitching results.

7. (Currently Amended) A game server which can be accessed from a computer operated by a game player via a network, said game server including a computer readable recording medium which records a game progress control program to control a progress of a baseball game in which and a game player's team and a computer-controlled team or competitor's team alternately play offense and defense via a ball character used as a game medium, said game progress control program allows a computer to perform the steps comprising:

displaying a game image including a plurality of characters, a bat character and a strike zone on a monitor screen of a computer;

receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a pointing device, wherein in said receiving step, designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said pointing device when the game player's team is the defensive side, designation of instructions for an offensive action of a batter character is accomplished by the operation of said pointing device when the game player's team is the offensive side, a selection of bunting or hitting as said offensive action is accomplished by a button operation of said pointing device, and designation of instructions for both:

alteration of a height of the bat character within an area defined by an upper limit and a lower limit of the strike zone; and an orientation of the bat character;

is accomplished singly by the moving operation of said pointing device based on a moving amount and a moving direction of the pointing device in cases where bunting is selected as the offensive action of said batting character;

changing the height of the bat character and displaying a corresponding change in vertical positioning of the bat character within the strike zone displayed on the monitor screen according to the received instructions regarding the alteration of the height of the bat character; and

progressing a baseball game based on the input made by the game player.

8. (Currently Amended) A game progress control method for controlling a progress of a baseball game in which a game player's team and a computer-controlled team or competitor's team alternately play offense and defense via a ball character used as a game medium, the game progress control method comprising the steps of:

displaying a game image including a plurality of characters, a bat character and a strike zone on a monitor screen of a computer;

receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a pointing device, wherein in said

receiving step, designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said pointing device when the game player's team is the defensive side, designation of instructions for an offensive action of a batter character is accomplished by the operation of said pointing device when the game player's team is the offensive side, a selection of bunting or hitting as said offensive action is accomplished by a button operation of said pointing device, and designation of instructions for both:

alteration of a height of the bat character within an area defined by an upper limit and a lower limit of the strike zone; and an orientation of the bat character;

is accomplished singly by the moving operation of said pointing device based on a moving amount and a moving direction of the pointing device in cases where bunting is selected as the offensive action of said batting character;

changing the height of the bat character and displaying a corresponding change in vertical positioning of the bat character within the strike zone displayed on the monitor screen according to the received instructions regarding the alteration of the height of the bat character; and

progressing a baseball game based on the input made by the game player.

9. (Canceled)

10. (Currently Amended) The computer readable recording medium according to claim 2, wherein:

said receiving input of contents of instructions are based on a moving operation and a button operation made by the game player on a mouse, wherein in said receiving step, designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said mouse when the game player's team is the defensive side, designation of instructions for an offensive action of a batter character is accomplished by the operation of said mouse when the game player's team is the offensive side, and a selection of bunting or hitting as said offensive action is accomplished by a button operation of said mouse.

11. (Currently Amended) A computer readable recording medium in which a game progress control program is recorded to control a progress of a baseball game in which a game player's team and a computer-controlled team or competitor's team alternately play offense and defense via a ball character used as a game medium, said game progress control program allows a computer to perform the steps comprising:

- displaying a game image including a plurality of characters, a bat character and a strike zone on a monitor screen of a computer;

- receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a mouse having at least two buttons including a first button and a second button, wherein in said receiving step,

- designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said mouse when the game player's team is the defensive side,

- designation of instructions for an offensive action of a batter character is accomplished by the operation of said mouse when the game player's team is the offensive side, and

- a selection of bunting or hitting as said offensive action is accomplished by different button operations on said first and second buttons of said mouse;

- designation of instructions for both

- alteration of a height of the bat character of the bat character within an area defined by an upper limit and a lower limit of the strike zone; and

- an orientation of the bat character;

- is accomplished by the moving operation, including a moving amount and a moving direction, of said mouse in cases where bunting is selected as the offensive action of said batting character;

- changing the height of the bat character and displaying a corresponding change in vertical positioning of the bat character within the strike zone displayed

on the monitor screen according to the received instructions regarding the alteration of the height of the bat character; and

progressing a baseball game based on the input made by the game player.

12. (Currently Amended) A computer readable recording medium in which a game progress control program is recorded to control a progress of a baseball game in which a game player's team and a computer-controlled team or competitor's team alternately play offense and defense via a ball character used as a game medium, said game progress control program allows a computer to perform the steps comprising:

displaying a game image including a plurality of characters, a meet cursor and a strike zone on a monitor screen of a computer;

receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a mouse having at least two buttons including a first button and a second button, wherein in said receiving step,

designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said mouse when the game player's team is the defensive side,

designation of instructions for an offensive action of a batter character is accomplished by the operation of said mouse when the game player's team is the offensive side, and

a selection of bunting or hitting as said offensive action is accomplished by the operation of said mouse;

designation of instructions for alteration of a position of the meet cursor, including both a height and an orientation, is accomplished by a single moving operation of said mouse, including both a moving amount and a moving direction, when the game player's team is the offensive side in such manner that the direction of movement and the amount of movement of the meet cursor are determined in accordance with the direction and amount of movement corresponding to the single operation of the mouse;

changing the position of the meet cursor and displaying a corresponding change in vertical positioning of the meet cursor within the strike zone displayed

on the monitor screen according to the received instruction regarding the alteration of the position of the meet cursor; and

progressing a baseball game based on the input made by the game player.

13. (Currently Amended) A computer readable recording medium in which a game progress control program is recorded to control a progress of a baseball game in which a game player's team and a computer-controlled team or competitor's team alternately play offense and defense via a ball character used as a game medium, said game progress control program allows a computer to perform the steps comprising:

displaying a game image including a plurality of characters, a bat character and a strike zone on a monitor screen of a computer;

receiving input of contents of instructions based on a moving operation and a button operation made by the game player on a pointing device having at least two buttons including a first button and a second button, the pointing device as a whole being movable with respect to the monitor screen of the computer, wherein in said receiving step, designation of instructions for pitching action of a pitcher character is accomplished by the operation of said pointing device when the game player's team is the defensive side, designation of instructions for an offensive action of a batter character is accomplished by the operation of said pointing device when the game player's team is the offensive side, a selection of bunting or hitting as said offensive action is accomplished by performing different button operations on said first button and second button, and designation of instructions for both:

alteration of height of the bat character within an area

defined by an upper limit and a lower limit of the strike zone; and

an orientation of the bat character;

is accomplished singly by the moving operation of said pointing device based on a moving amount and a moving direction of the pointing device in cases where bunting is selected as the offensive action of said batting character;

changing the height of the bat character and displaying a corresponding change in vertical positioning of the bat character within the strike zone displayed

on the monitor screen according to the received instructions regarding the alteration of the height of the bat character; and

progressing a baseball game based on the input made by the game player.